

**REMARKS**

With entry of this amendment, claims 99 and 102-168 are pending. Of these, claim 99 stands rejected and claims 102-168 have been newly added. Claims 79-98, 100, and 101 have been cancelled by this amendment. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

**Claim Amendments**

The language of claim 99 has been amended merely to better reflect the language used in the specification, to remove redundancies, and to generally make the claim more readable. Applicant emphasizes that claim 99 has not been amended in response to any current or anticipated rejection, whether based on prior art or otherwise.

**Drawing Objections**

The drawings have been objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because none of the reference numbers in Figs. 33-36 have been mentioned in the specification. To address this discrepancy, Figs. 33-36 have been cancelled from this application, and as such, Applicant respectfully requests withdrawal of these drawing objections.

**Specification Rejection-New matter**

The drawings filed with the May 28, 2002 amendment has been objected to under 35 U.S.C. §132(a) as introducing new matter. To address this discrepancy, Figs. 33-36 have been cancelled from this application, and as such, Applicant respectfully requests withdrawal of the new matter rejection.

Claim Rejections-35 U.S.C. §102

Pending claim 99 stands rejected under §102(b) as being anticipated by U.S. Patent No. 5,257,182 (“Luck”). Applicant respectfully traverses this rejection, since Luck does not disclose each and every element of claim 99.

In particular, the Examiner concludes that Luck discloses a low resolution scan (30) that performs an initial course focus action, and a separate high resolution scan (35) that performs a plurality of subsequent fine focus actions. To the extent that this is true, however, there is no disclosure in Luck that each of the fine focus actions is performed more quickly than a course focus action. The Examiner cites col. 4, lines 6-11 of Luck for the proposition that each of the focus actions in the high resolution scan (35) is performed more quickly than a focus action performed in the low resolution scan (30). However, Luck does not disclose this.

Instead, Luck discloses that the processing time for the high resolution scan (30) is reduced because only the relevant areas on the slide are imaged. Luck does not disclose that the high resolution scan (35) is performed more quickly than the low resolution scan (30). In fact, even if Luck did disclose this, the total processing time for the low and high resolution scans is irrelevant to claim 99. What is relevant is the individual focusing actions that are performed during the low and high resolution scans, and there is no disclosure in Luck that each of a plurality of focusing actions in the high resolution scan (35) is performed more quickly than a focusing action performed in the low resolution scan (30).

Thus, Applicant submits that claim 99 is not anticipated by Luck, and as such, respectfully request withdrawal of the rejection of this claim.

### New Claims

Applicant submits that newly added claims 102-168 fall within the elected invention of Group V, since these claims require the performance of course and fine focusing actions. Applicant also submits that these claims are supported by the specification, as originally filed, are patentable over the cited prior art.

Notably, claims 102-113 depend from independent claim 99, and are therefore, patentable over the cited prior art for at least the same reasons as claim 99 is.

Independent claim 114, as well as claims 115-129 depending therefrom, require at least one of the fine focus action to comprise defining an initial coordinate along a focal axis based on a global focal plane, and obtaining images of the slide at a plurality of coordinates relative to the initial coordinate along the focal axis. The cited prior art does not disclose this feature in combination with the remaining features of claim 114.

Independent claim 130, as well as claims 131-144 depending therefrom, require at least one of the fine focus actions to comprise obtaining images of the slide at a plurality of coordinates within a predetermined range along a focal axis. The cited prior art does not disclose this feature in combination with the remaining features of claim 130.

Independent claim 145, as well as claims 146-168 depending therefrom, require each of the fine focus actions to comprise determining an in-focus coordinate along the respective focal axis, determining an area of fine focus jurisdiction surrounding the corresponding point on the slide, and correlating the in-focus coordinate to the respective fine focus jurisdiction. The cited prior art does not disclose this feature in combination with the remaining features of claim 145.


Conclusion

Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0606.

Respectfully submitted,

**BINGHAM MCCUTCHEN LLP**

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By:   
Michael J. Bolan  
Reg. No. 42,339

Bingham McCutchen LLP  
Three Embarcadero Center, 18th Floor  
San Francisco, California 94111  
Customer No. 23639

DRAWING AMENDMENTS

Please delete Figs. 33-36 from this application